

## Imaged Certificate of Notice Page 1 of 11

United States Bankruptcy Court  
Eastern District of PennsylvaniaIn re:  
Barry Portnoy  
DebtorCase No. 14-16081-mdc  
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0313-2

User: YvetteWD  
Form ID: pdf900Page 1 of 3  
Total Noticed: 2

Date Rcvd: Jan 25, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 27, 2018.

db +Barry Portnoy, 101 Edwards Drive, Richboro, PA 18966-1174  
aty Braverman Kaskey PC, 1560 Market Street, 56th Floor, Philadelphia, PA 19103Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 27, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 25, 2018 at the address(es) listed below:

ALBERT M BELMONT, III on behalf of Defendant Maxsys, Inc. abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Interpleader SamZach Irrevocable Trust abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Interpleader Danielle Portnoy abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Zachary Portnoy abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Danielle Portnoy abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Danielle Portnoy (as Trustee of the "SamZach Irrevocable Trust") abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Samzach Partners, L.P. abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Samantha Portnoy (as Co-Trustee of the Revocable Deed of Trust of Danielle M. Portnoy) abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Sam-Zachary Partners, LLC abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Samantha Portnoy abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant BF Services, L.P. abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Altchem Environmental Services, Inc. abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ALBERT M BELMONT, III on behalf of Defendant Danielle Portnoy (as Co-Trustee of the Revocable Deed of Trust of Danielle M. Portnoy) abelmont@bochettoandlantz.com, mkamins@bochettoandlantz.com

ANDREW F GORNALL on behalf of Creditor M&T BANK agornall@kmlawgroup.com, bkgroup@kmlawgroup.com

BENJAMIN A. GARBER on behalf of Debtor Barry Portnoy BGarber@braverlaw.com, dmayfield@braverlaw.com; dmarano@braverlaw.com; belle@braverlaw.com

DANIEL J. MCGRAVEY on behalf of Plaintiff Republic First Bank d/b/a Republic Bank dmcgravey@clarkhill.com

DANIEL MICHAEL PEREIRA on behalf of Plaintiff Republic First Bank, d/b/a Republic Bank dpereira@schneider.com

DAVID B. SMITH on behalf of Attorney SMITH KANE HOLMAN, LLC dsmith@smithkanelaw.com, b.dr70286@notify.bestcase.com

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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DAVID L. BRAVERMAN on behalf of Defendant Barry Portnoy dbraver@braverlaw.com, dmarano@braverlaw.com; dmayfield@braverlaw.com; belle@braverlaw.com; gollotto@braverlaw.com; sine@braverlaw.com

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GAETAN J. ALFANO on behalf of Creditor Michael Carson GJA@Pietragallo.com

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GARY F SEITZ on behalf of Plaintiff Republic First Bank d/b/a Republic Bank gseitz@gsbblaw.com, hsmith@gsbblaw.com

GARY F SEITZ on behalf of Trustee ROBERT H. HOLBER gseitz@gsbblaw.com, hsmith@gsbblaw.com

GEORGE BOCHETTO on behalf of Defendant Danielle Portnoy (as Trustee of the "SamZach Irrevocable Trust") gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Danielle Portnoy gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Maxsys, Inc. gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Zachary Portnoy gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Samantha Portnoy (as Co-Trustee of the Revocable Deed of Trust of Danielle M. Portnoy) gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Samantha Portnoy gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Altchem Environmental Services, Inc. gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant BF Services, L.P. gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Interpleader Danielle Portnoy gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Samzach Partners, L.P. gbochetto@bochettoandlantz.com

GEORGE BOCHETTO on behalf of Defendant Danielle Portnoy (as Co-Trustee of the Revocable Deed of Trust of Danielle M. Portnoy) gbochetto@bochettoandlantz.com

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JEFFREY KURTZMAN on behalf of Defendant Maxsys, Inc. Kurtzman@kurtzmansteady.com

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Total Noticed: 2

Date Rcvd: Jan 25, 2018

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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MICHAEL L. TEMIN on behalf of Mediator Michael Temin mtemin@foxrothschild.com  
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bkgroup@kmlawgroup.com  
United States Trustee USTPRegion03.PH.ECF@usdoj.gov

TOTAL: 98

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: : Chapter 7  
Barry Portnoy, :  
Debtor. : Bankruptcy No. 14-16081-mdc

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**ORDER**

**AND NOW**, upon consideration of (1) Trustee's Objection to Debtor's Assertion of the Attorney/Client Privilege in Emails,<sup>1</sup> (2) Objection of Bonnie Finkel, Chapter 7 Trustee of the Estate of Demrex Industrial Services, Inc. to the Privilege Log of Barry Portnoy,<sup>2</sup> and (3) Objection of Bonnie Finkel, Chapter 7 Trustee of the Estate of Demrex Industrial Services, Inc. to the Revised Privilege Log of Barry Portnoy (collectively, the "Objections"),<sup>3</sup> and after hearings held thereon, and for the reasons stated on the record,<sup>4</sup> it is hereby **ORDERED** that:

(A) The Objections to the following documents on the Revised Privileged Log are

**SUSTAINED:**

1. Document No. 25.
2. Document No. 31.
3. Document No. 32.
4. Document No. 33.
5. Document No. 41.
6. Document No. 42.

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<sup>1</sup> Bankr. Docket No. 506.

<sup>2</sup> Bankr. Docket No. 507.

<sup>3</sup> Bankr. Docket No. 512.

<sup>4</sup> The attorney-client privilege applies to corporations as well as individuals. *Upjohn Co. v. U.S.*, 449 U.S. 383, 390 (1981). As such, the corporation is the entity which can assert the privilege on behalf of itself. *Id.* Though the power to waive ultimately rests in the officers and directors of the corporation (in the case of solvent corporations) or in the trustee (in the case of insolvent corporations), they nonetheless are acting in their capacity as fiduciaries of the corporation, not as individuals. *Commodity Futures Trading Com'n v. Weintraub*, 471 U.S. 33, 348-54 (1985). Here, Debtor acted in his individual capacity, rather than as the director or principal of the corporate entities on behalf of whom he asserted the privilege. While this may ultimately result in the same privileges being asserted by the corporate entities through the Debtor-principal, the adherence to proper procedural and legal strictures has been disregarded by the parties in this matter and thus the Court must issue this ruling to ensure that such failures do not continue.

7. Document No. 45.
8. Document No. 46.
9. Document No. 52.
10. Document No. 55.
11. Document No. 56.
12. Document No. 57.
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- 180. Document No. 250.
- 181. Document No. 251.
- 182. Document No. 252.
- 183. Document No. 253.

(B) Any person objecting to the production of any of the documents set forth at Numbers 1 to 183 above (the “Disallowed Entries”) shall file with the Court an objection setting forth the basis for each

such objection ("Objection to Production of Disallowed Entries") on or before **January 31, 2018 by 5:00 p.m.**

(C) Any objection to the Objection to Production of Disallowed Entries (the "Disallowed Entries Objection") shall be filed on or before **February 8, 2018 at 5:00 p.m.**

(D) A hearing on the Disallowed Entries Objection shall be held on **February 21, 2018 at 1:00 p.m.**, at the United States Bankruptcy Court, 900 Market Street, Courtroom No. 2, Philadelphia, Pennsylvania.

(E) Counsel for the Debtor shall serve a copy of this Order on all parties who may have an interest in the Disallowed Entries including, but not limited to, all counsel and corporations identified on the Disallowed Entries.

Dated: *1/25/18*

  
MAGDELINE D. COLEMAN  
UNITED STATES BANKRUPTCY JUDGE

David L. Braverman, Esquire  
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